IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.565 OF 2006

IN

SUMMARY SUIT NO.2861 OF 2006

...

Rekha Vipin Khakhar ...Plaintiff

v/s.

Hamir Jaisingh Mulani ...Defendant

...

Mr.R.D.Dave i/b N.N.Vaishnawa & Co. for the Plaintiff.

Ms.Usha Rahi i/b Mayur Narendra & co. for the Defendant.

...

**CORAM: D.K.DESHMUKH, J.**

**DATED:** 7TH FEBRUARY,2007

**P.C.:**

In a sense the suit is for specific performance of contract to transfer the property. The Defendant is the lessee in possession. In order to acquire ownership right he had agreed to pay Rs.50 lakh to the Plaintiff. The Plaintiff has filed this summary suit for recovery of Rs.50 lakh. The suit does not appear to be maintainable in summary jurisdiction. Summons for judgment is, therefore, disposed of. Defendant is granted unconditional leave to defend the suit. Suit be transferred to commercial cause list. Written statement to be filed within eight weeks from today.

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